

MEMORANDUM

Agenda Item No. 8(H)(1)

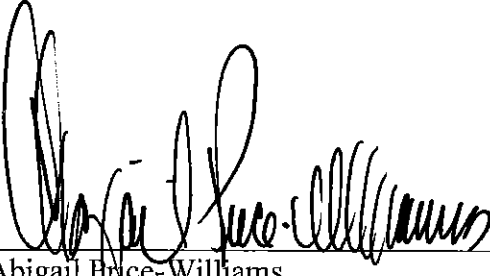
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: November 1, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution approving the First Amendment to the Joint Use Agreement with the School Board of Miami-Dade County, Florida for property located within Zoo Miami to be used by the School Board for educational/recreational use as a part of the science/zoo magnet programs and authorizing the County Mayor to execute such agreement and exercise all rights contained therein

The accompanying resolution was prepared by the Parks, Recreation and Open Spaces Department and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.


Abigail Price-Williams
County Attorney

APW/smm

Memorandum



Date: November 1, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to be "Carlos A. Gimenez", written over a horizontal line.

Subject: Resolution Authorizing the First Amendment to the Joint Use Agreement with The School Board of Miami-Dade County, Florida at the Site Owned by Miami-Dade County at Zoo Miami, and Authorizing the County Mayor or the County Mayor's Designee to Execute the First Amendment to the Joint Use Agreement.

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached resolution authorizing the First Amendment to the Joint Use Agreement with the School Board of Miami-Dade County (School Board) at the site owned by Miami-Dade County at Zoo Miami, and authorizing the County Mayor or the County Mayor's designee to execute the First Amendment to the Joint Use Agreement.

Scope

The site that is the subject of the Joint Use Agreement is land owned by Miami-Dade County, within Zoo Miami, located at 12400 SW 152 Street, for operation of middle/high school science/zoo magnet programs. Zoo Miami is located in County Commission District 9, which is represented by Commissioner Dennis C. Moss.

Fiscal Impact/Funding Source

The School Board will be responsible for all maintenance, repair, and upkeep of the two (2) remaining portables at the existing "old" location. In addition, the School Board shall collect and dispose of garbage and litter, and provide all routine custodial or janitorial services and all utilities serving the two (2) remaining portables.

Track Record/Monitor

John Bowers of the Property Management Section of the Parks, Recreation and Open Spaces Department (PROS) will ensure completion and monitoring of the First Amendment to the Joint Use Agreement.

Background

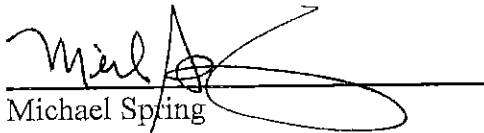
Since 1988, MDCPS has owned/utilized three (3) portable classrooms at Zoo Miami as part of the Richmond Heights Middle School Zoo Magnet Program. The District has now added a high school component (BioTech Program), which requires the installation of 12 new portable classrooms (at a different location of the zoo) to accommodate both the middle and high school programs. Currently, six (6) out of the 12 new portables have been installed. The School Board was going to vacate the original three (3) portable classrooms upon completion of the new portables. The County approached the School Board requesting donation of the three (3) portables to use for Zoo classroom/office space. The School

Board has advised that there is a continuing need for two (2) out of the three (3) portables to meet classroom requirements for the 2016-17 School Year, but does not anticipate future need after the school year (ending June 30, 2017) as the remaining new portables will be added.

Upon approval of Resolution No. R-40-16, the Board approved a Joint Use Agreement to provide for the installation of new portable classrooms and long-term operation of the middle/high school magnet programs at Zoo Miami at a new location. The School Board may install up to 13 new portable classrooms. The portables are being installed in multiple phases as additional grade levels are added. This First Amendment to the Joint Use Agreement (Attachment A) provides an extension of time for use of the two (2) remaining portables through June 30, 2017 to accommodate the middle/high school magnet programs for the 2016-17 School Year.

Due to the growth and popularity of the magnet programs, there will be an insufficient number of new portable classrooms to meet the School Board's educational needs for the 2016-17 School Year, and therefore, extension of time for use of the two (2) remaining portables is required.

Attachments


Michael Spring
Senior Advisor

ATTACHMENT A

FIRST AMENDMENT TO JOINT USE AGREEMENT

THIS FIRST AMENDMENT TO JOINT USE AGREEMENT (the "**First Amendment**") is made and entered into this _____ day of _____ 2016, by and between THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, a body corporate and politic existing under the laws of the State of Florida (hereinafter referred to as the "**BOARD**"), and MIAMI-DADE COUNTY, a political subdivision of the State of Florida (hereinafter referred to as the "**COUNTY**"). The BOARD and COUNTY are sometimes referred to in this First Amendment individually as "**Party**" and collectively as the "**Parties**".

WITNESSETH

WHEREAS, since 1988, the BOARD has utilized three (3) BOARD-owned portable classrooms (the "**Existing Portables**") at the Zoo Miami facility ("**Zoo**"), pursuant to a Joint Operating Agreement with the COUNTY, as part of the Science/Zoo Magnet Program at Richmond Heights Middle School ("**Magnet Program**"); and

WHEREAS, the BOARD and COUNTY entered into a Joint Use Agreement, dated April 6, 2016 ("**JUA**"), to allow the BOARD to install new portable classrooms ("**New Portable Classrooms**") at an alternate location within the Zoo facility for the long-term operation of its Magnet Program, to include a high school component ("**Middle/High School Magnet Programs**"); and

WHEREAS, the JUA anticipated that the BOARD would discontinue its use and occupancy of the Existing Portables concurrent with its occupancy of the New Portable Classrooms; and

WHEREAS, at the COUNTY'S request, and in anticipation of vacating the three Existing Portables, the BOARD, at its March 9, 2016 meeting, authorized the donation of the Existing Portables to the COUNTY, at no cost, for use by Zoo programs; and

WHEREAS, the BOARD has determined that, due to the growth and popularity of the Middle/High School Magnet Programs, there will be an insufficient number of New Portable Classrooms in place to meet the BOARD'S educational needs for the 2016-17 school year; and

WHEREAS, given this continuing need for additional classroom space for the 2016-17 school year, the COUNTY has agreed to accept initial donation of one of the Existing Portables, bearing FISH Number 32-021 ("**Donated Portable**"), with the BOARD to continue using the other two Existing Portables, at their current location at the Zoo during the 2016-2017 school year; and

WHEREAS, the BOARD and COUNTY are desirous of entering into this First Amendment, to allow the BOARD to continue using the two remaining Existing Portables,

as provided hereinbelow.

NOW, THEREFORE, for and in consideration of the conditions and covenants hereinafter contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference.
2. A new Article XXXVII entitled TEMPORARY USE OF PORTABLES is hereby created and shall read as follows:

"The BOARD shall have continued and uninterrupted use of the two remaining Existing Portables, bearing FISH Numbers 35-047 and 35-048 (hereinafter referred to as the "**Temporary Portables**"), in their current location within the Zoo facility, as more particularly described in Exhibit "A-1" attached hereto and made a part hereof.

The BOARD shall have the right of ingress and egress across roadways, alleys, parking lots and other driving surfaces controlled by the Zoo, as well as mutually agreed to portions of the Zoo facility necessary for the BOARD, its faculty, staff, students, parents and invitees, to gain access to the Temporary Portables.

The BOARD shall have use of the Temporary Portables to operate its Middle/High School Magnet Program commencing on the Effective Date of this First Amendment, as hereinafter defined, and ending June 30, 2017, unless further extended by mutual agreement of the Parties.

The BOARD shall be responsible for the cost of water and sewer services and electricity for the Temporary Portables, as follows:

- The rate for water and sewer services shall be established at \$204 per unit per year, for a total of \$408 annually (inclusive of any applicable taxes, fire hydrant and storm water fees). To address changes in rates for water and sewer, either Party may request a revision in the rate, by submitting a written request to the other Party, with documentation supporting such Party's request for a rate change.
- The Temporary Portables and Donated Portable are currently served by the same electric sub-meter. The BOARD shall be responsible for two-thirds of the cost of electricity serving the Temporary Portables and Donated Portable, based on a sub-meter reading by both BOARD and COUNTY staff on a quarterly basis. The COUNTY shall send an invoice to the BOARD on a quarterly basis, along with back-up documentation as may be reasonable requested by the BOARD, for reimbursement of such electricity charges, based on the joint meter reading. The BOARD shall pay such invoice within 60 days after receipt of the invoice.

Except as otherwise provided herein, the BOARD'S use of the Temporary Portables

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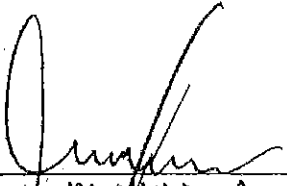
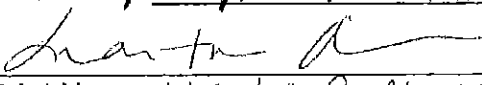
shall be in compliance with the terms and conditions of the JUA."

3. The effective date of this First Amendment shall be the date on which the last of the Parties executes this First Amendment ("**Effective Date**").
4. All other terms and conditions of the Agreement shall remain unchanged.

[Individual Signature Pages Follow]


IN WITNESS WHEREOF, the BOARD and COUNTY have caused this First Amendment to be executed by their respective and duly authorized officers the day and year first hereinabove written.

WITNESSES AS TO THE BOARD:

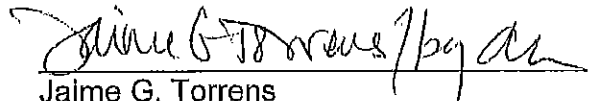

Print Name: Michael A. Levine

Print Name: Marta C. Alvarado

BOARD:

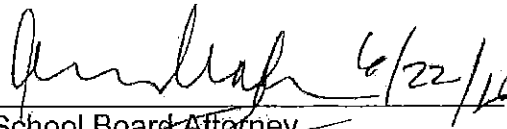
THE SCHOOL BOARD OF MIAMI-
DADE COUNTY, FLORIDA

By: 
Alberto M. Carvalho
Superintendent of Schools
Date: 6/23/16

RECOMMENDED:


Jaime G. Torrens
Chief Facilities Officer

TO THE BOARD: APPROVED AS TO
FORM AND LEGAL SUFFICIENCY:


School Board Attorney

WITNESSES AS TO THE COUNTY:

COUNTY:
MIAMI-DADE COUNTY

Print Name: _____

By: _____
Name: Carlos GImenez
Title: Mayor
Date: _____

Print Name: _____

ATTEST:

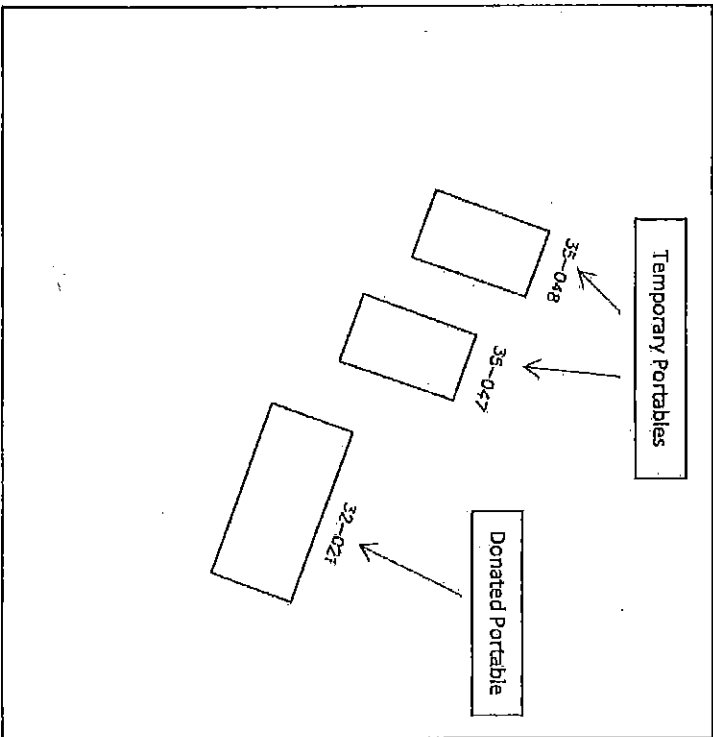
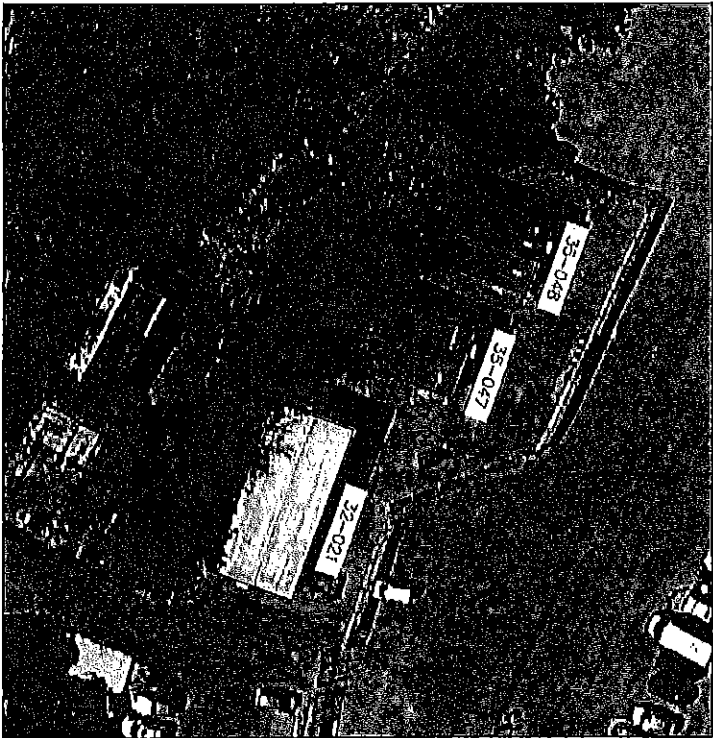
By: _____
County Clerk

TO THE COUNTY: APPROVED AS TO
LEGAL FORM AND SUFFICIENCY:

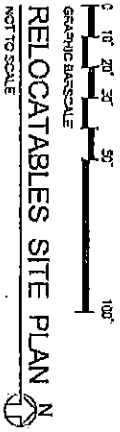
By: _____
County Attorney

Exhibit "A-1"

Exhibit "A-1"



NOTE: PORTABLES AT MIAMI-DADE ZOOLOGICAL



KEY PLAN



| | | | | |
|----------|---------------|--|--|---------------|
| 10 of 10 | 0244 01/81 | MIAMI-DADE COUNTY PUBLIC SCHOOLS 1450 N.E. 2ND AVENUE MIAMI, FLORIDA 33132 | RICHMOND HEIGHTS MIDDLE SCHOOL 16015 SW 103 AVENUE MIAMI-DADE, FLORIDA 33170 | 0244 01/81 |
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MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: November 1, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(H)(1)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(H)(1)
11-1-16

RESOLUTION NO. _____

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE JOINT USE AGREEMENT WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA FOR PROPERTY LOCATED WITHIN ZOO MIAMI TO BE USED BY THE SCHOOL BOARD FOR EDUCATIONAL/RECREATIONAL USE AS A PART OF THE SCIENCE/ZOO MAGNET PROGRAMS AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SUCH AGREEMENT AND EXERCISE ALL RIGHTS CONTAINED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the First Amendment to the Joint Use Agreement between the School Board of Miami-Dade County, Florida and Miami-Dade County in substantially the form attached to the accompanying memorandum, as Attachment A, and authorizes the County Mayor or County Mayor's designee to execute same for and on behalf of Miami-Dade County, upon approval by the County Attorney's Office, and to exercise all rights contained therein.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman

Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Dennis C. Moss

Sen. Javier D. Souto

Juan C. Zapata

Daniella Levine Cava

Audrey M. Edmonson

Barbara J. Jordan

Rebeca Sosa

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of November, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

MAG

Miguel A. Gonzalez